

TITLE 10. HUMAN SERVICES

CHAPTER 122D.

SERVICES FOR CHILDREN IN OUT-OF-HOME
PLACEMENT

SUBCHAPTER 1. VISITS BETWEEN THE CHILD AND THE
CHILD'S FAMILY

§ 10:122D-1.1 Purpose

(a) The purpose of this subchapter is to ensure that each child placed by the Division in out-of-home placement shall have the opportunity to visit with parents, siblings and interested relatives. Visits with parents, siblings and other relatives may serve to:

1. Reinforce the child's identity;
2. Promote the child's need for stability, consistency, and permanency;
3. Maintain or establish family relationships;
4. Assess the parent's and other relative's motivation and ability to care for the child;
5. Provide an opportunity to model appropriate parenting behavior and skills; and
6. Facilitate the case goal of return home.

(b) The frequency and duration of visits are dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits that are frequent and of long duration are beneficial for most children placed in out-of-home placement and facilitate movement toward

achieving a case goal that establishes permanency. The frequency and duration specified in each child's visitation schedule is a professional social work decision, which shall be made by the Division representatives, with full input from all those affected by the visitation plan. Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.4 and 10:122D-1.15, for most children in out-of-home placement, the goal is to hold a visit every week for a period as long in duration as possible.

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§ 10:122D-1.2 Scope

The provisions of this subchapter shall apply to each child placed by the Division in an out-of-home placement, his or her parents, siblings, interested relatives, out-of-home placement provider, and the Division.

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§ 10:122D-1.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-1.3 are hereby incorporated in this subchapter by reference.

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§ 10:122D-1.4 Visitation plan

(a) A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in out-of-home placement unless otherwise directed by the court. The visitation plan is included in the case plan, in accordance with N.J.A.C. 10:133D-1.7(b)7.

(b) The visitation plan may exclude specific persons from having visits.

(c) The visitation plan shall give full consideration to the child's safety.

(d) The visitation plan shall include visits with siblings, if any. Sibling visits may take place with parental visits or separately.

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§ 10:122D-1.5 Developing the visitation plan

(a) The visitation plan for the first visit shall be developed and written prior to the date of placement or as soon as possible after the placement.

(b) The visitation plan for ongoing visits shall be completed within five working days of the initial date of placement.

(c) The visitation plan shall be evaluated and adjusted as needed and submitted in time for the first 45 day Child Placement Review, pursuant to N.J.S.A. 30:4C-50 et seq.

(d) For a child placed with a resource family parent or in shelter care, the visitation plan shall be developed through negotiation and agreement by the Division representative, the parents, the child, and other parties involved, such as relatives, a former resource family parent interested in visiting the child, siblings, and their representatives. For each child placed in a residential child care facility, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:127-6.1 and 6.6. For each child placed in a group home, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:128-6.1 and 6.6.

(e) Sections of the visitation plan shall be negotiated separately with the siblings or their representatives and other interested relatives.

(f) The Division representative shall encourage the out-of-home placement provider to participate in developing the visitation plan.

(g) The out-of-home placement provider shall be consulted for information pertinent to visitation.

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§ 10:122D-1.6 Distribution of the visitation plan

The Division representative shall give a copy of the visitation plan to the parent, the out-of-home placement provider, the child, when of an appropriate age, and other parties, including siblings, who are involved in developing the visitation plan and their representatives.

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§ 10:122D-1.7 Renegotiation of the visitation plan

(a) The Division representative shall renegotiate the visitation plan with all parties involved no less often than every six months.

(b) The Division representative shall also renegotiate the visitation plan:

1. When the case goal changes;
2. When circumstances change; or
3. Whenever any of the parties to the plan requests renegotiation.

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§ 10:122D-1.8 Components of the visitation plan

(a) The visitation plan shall include the following:

1. The goal of the visits;
2. The location of visits;
3. The frequency and regularity of visits;
4. Who will participate in the visits;
5. The roles of participants other than the child;
6. Who will provide needed transportation;
7. The date and time of visits;
8. The length of visits;

9. Whether the visit will be supervised, and, if so, by whom; and

10. What each party shall be expected to do in order to change or cancel a visit.

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§ 10:122D-1.9 Locations for visits

(a) Visits shall take place in the least restrictive, most comfortable setting possible. For example, visits may take place in the home of the parents, relatives or friends or in other suitable locations.

(b) Visits may also take place in the out-of-home placement, with the out-of-home placement provider's permission.

(c) Visits may take place in a Division office when:

1. Necessary to protect the child;
2. For the convenience of those participating in the visit; or
3. When other suitable locations are not available.

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§ 10:122D-1.10 Determination of whether visit is to be supervised

(a) The parent or other visitors and the Division representative shall discuss the need for supervised visits at the time the visitation plan is negotiated or renegotiated.

(b) Unless the Division or the Superior Court, Chancery Division, Family Part finds a need for supervision, visits shall be unsupervised.

(c) If visits will be supervised, the plan shall contain a statement of the reason supervision is required. Reasons for the supervision of visits may include:

1. Facilitating interactions between the parent and the child;
2. Modeling positive parenting behavior;
3. Mediating conflict between the parent and the child; and
4. Providing protection for the child.

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§ 10:122D-1.11 Supervision of visits

(a) Family, friends or others with whom the visitor and child feel comfortable may provide supervision with the agreement of all parties.

(b) Providers with whom the Division has contracts to supervise visitation may also be utilized.

(c) A Division representative may supervise visitation only under the following circumstances:

1. The Division finds that supervision by a Division representative is necessary to protect the child;
2. Supervision is needed and there is no other person appropriate to provide it;

3. The parent or child wants supervision by a Division representative;

4. The Division representative does not have enough information to determine that supervision is not needed;
or

5. The Division does not have enough information to determine that the individual suggested by the parent or others to provide supervision is acceptable.

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§ 10:122D-1.12 Division participation in visits

(a) Where the Division is not involved in supervising visitation, a Division representative shall participate in visits as necessary to formally assess the progress of visits and family relationships for the purpose of case planning.

(b) Whenever possible, the Division representative shall inform the participants in the visit in advance when he or she will participate.

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§ 10:122D-1.13 Transportation for visits

(a) The Division representative shall provide or arrange for transportation of the child to the visit.

(b) The Division shall provide or pay for transportation when the parent or other relative lives in New Jersey and verifies that he or she cannot obtain or pay for his or her own transportation.

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§ 10:122D-1.14 Standards for the visitation plan

(a) Except as limited in N.J.A.C. 10:122D-1.15(a), the visitation plan shall establish that:

1. The first visit between the child and parent shall be scheduled to occur as soon as possible, within five working days of the date of initial placement;

2. The frequency and duration of the visits shall be consistent with the purpose of visits as set forth in N.J.A.C. 10:122D-1.1;

3. The frequency and length of each visit shall be based upon the needs of the child, the parent, and other involved parties. Special consideration shall be given to the need for pre-school children to have frequent visits since their sense of time is different than that for older children or adults;

4. Overnight and weekend visits with the family shall be scheduled to occur frequently when the family can assume the increased child care responsibility and when the plan is to return the child to them;

5. Holiday visits shall be negotiated and addressed in the plan; and

6. When a scheduled visit is missed due to the inability of the person providing supervision or the Division representative not being able to participate in the visit, the visit shall be rescheduled whenever and as soon as possible.

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§ 10:122D-1.15 Reasons to limit visits

(a) A reduction to the visitation schedule may be made for any of the following reasons:

1. The visit will be physically or psychologically harmful to the child even with supervision. This determination shall be based on:

i. A Division representative's direct observation of harm or potential harm;

ii. A report of harm to the Division in which the harm has been verified by a Division representative;

iii. A mental health therapist's recommendations;

iv. A pending or ongoing Division investigation of allegations that the child has been harmed by the visitor; or

v. The child's report of a harmful or potentially harmful situation;

2. The child requests limited visits when the case goal is not reunification, whether or not the visits are seen as harmful;

3. The parent requests limited or no visits despite the Division's efforts to explain the importance of visiting and the Division's offer to assist in arranging the visits;

4. The parent chronically misses scheduled visits despite the Division's efforts to advise of the importance of attending visits for the parent and the child;

5. A court order, including one that terminated parental rights, which prohibits visits or specifies a different schedule of visits; or

6. The visitor appears to be under the influence of drugs or alcohol.

(b) A supervisor shall review and approve or disapprove any reduction in the frequency or duration of visits, in accordance with any applicable court order.

(c) The Division representative shall inform the parent, child, and any other affected person in writing of the reason for the reduction.

(d) The Division representative shall assist the family or other parties to eliminate the causes for the limitation of visits

when the conditions can be changed in order to increase the visits.

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§ 10:122D-1.16 (Reserved)

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SUBCHAPTER 2. SERVICES TO CHILDREN IN OUT-OF-HOME
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§ 10:122D-2.1 Purpose

(a) The purpose of this subchapter is to identify the services that the Division shall provide to a child in out-of-home placement in its efforts to:

1. Provide the child with safe care while in out-of-home placement;
2. Meet the child's physical, psychological, and other developmental needs;
3. Assure the child's well-being;
4. Help the child to understand the reasons for his or her out-of-home placement, the case goal, and to adjust to being a child in out-of-home placement; and

5. Achieve the case goal, which reflects the permanency plan for the child.

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§ 10:122D-2.2 Scope

The provisions of this subchapter shall apply to each child in out-of-home placement, his or her out-of-home placement provider, his or her family and the Division.

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§ 10:122D-2.3 Definitions

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§ 10:122D-2.4 Case management

(a) The Division representative shall have face-to-face and other contact with the child, out-of-home placement provider, parent and other interested parties according to N.J.A.C.

10:133D-2 and which is written in the case plan in order to:

1. Develop, implement and update a case plan which includes the permanency plan by assessing case needs, identifying services to meet those needs, including the role and responsibility of each party regarding the services, and establishing the case goal and assessing progress toward achieving the case goal in a timely manner;

2. Provide advocacy and support services to all parties, within program and fiscal parameters;

3. Assist the child and out-of-home placement provider to establish and maintain an ongoing and supportive relationship for the duration of the child's placement;

4. Update the child, out-of-home placement provider, parents and other parties on the progress toward

achieving the case goal, consistent with the confidentiality provisions of N.J.S.A. 9:6-8.10a and N.J.A.C. 10:133G;

5. Facilitate visits in accordance with the case plan between the child, parent, siblings and other interested relatives. See N.J.A.C. 10:122D-1, Visits between the child and the child's family; and

6. Meet the requirements of the Child Placement Review Act, N.J.S.A. 30:4C-50 et seq.

(b) The Division representative shall have face-to-face contact with the parent, when applicable, the out-of-home placement provider and the child in accordance with N.J.A.C. 10:133D-2.7, 2.8 and 2.9.

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§ 10:122D-2.5 Health care services

(a) The Division representative shall make every reasonable effort to assure that each child in out-of-home placement receives appropriate and necessary health care, including mental/behavioral health services.

(b) For each child initially entering out-of-home placement, the Division representative shall obtain a pre-placement assessment at the time of placement. The Division representative shall establish a health care record for each child and shall provide the out-of-home placement provider with a health care record, which documents health information concerning the child, including, but not limited to:

1. The names and addresses of the child's health care providers;
2. A record of the child's immunizations;

3. The child's known medical problems, if any, including the results of any lead tests;
4. The child's medications, if any;
5. The child's allergies, if any;
6. The child's birth and developmental history;
7. The family health history, if known and appropriate, in accordance with Federal regulations; and
8. The child's mental/behavioral health needs.

(c) The Division representative shall maintain a health care record for each child. The Division representative shall review and update the child's health record at the time of each placement into out-of-home placement.

(d) The Division representative shall provide the updated record to:

1. The out-of-home placement provider;
2. The child's parent upon reunification;
3. The adoptive parent or legal guardian;
4. The family court as part of the court report; and

5. The child upon exiting out-of-home placement at the time his or her case is closed.

(e) The Division representative shall ensure that the child shall receive a full medical examination within 60 days of placement.

(f) The Division representative shall assure that the child receives a medical examination at least annually after the initial medical examination performed at the time of placement and a dental examination at least semi-annually for each child age three years and older. The type and frequency of the examinations shall be based on the child's age and medical needs. The Division representative shall assure that each child with a suspected mental/behavioral health need receives a mental/behavioral health assessment and identified follow-up care. At a minimum, the child's examinations shall comply with the Early and Periodic Screening and Diagnostic Treatment periodicity schedule in accordance with N.J.A.C. 10:54-5.10 through 5.13.

(g) The out-of-home placement provider shall be responsible for arranging and providing care to meet the child's health

needs, including, but not limited to, medical and dental examinations, ongoing care, mental/behavioral health services and follow-up care, as agreed to with the Division representative, and shall provide the Division representative with information concerning the child's health care, including mental/behavioral health care, and needs.

(h) The Division representative shall share health care information concerning the child with the child's parents, and the out-of-home placement provider, at the time of the child's placement or as soon as practical.

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§ 10:122D-2.6 Educational services

(a) The Division representative shall make every reasonable effort to assure that every child in out-of-home placement receives an education appropriate to his or her abilities as provided for under State laws governing compulsory education and education for disabled children.

(b) The Division representative shall develop an education record for each child initially entering out-of-home placement, who is subject to the State laws governing compulsory education, see N.J.S.A. 18A, generally. This record shall include, but not be limited to:

1. The names and addresses of the child's educational providers;
2. The child's grade level performance;
3. The child's school record; and
4. Assurance that the child's placement in out-of-home placement takes into account proximity to the school in which the child was enrolled at the time of placement.

(c) The Division representative shall provide the out-of-home placement provider with the child's education record at the time of initial placement.

(d) The Division representative shall review and update the child's education record at the time of each out-of-home placement and shall provide the updated record to the out-of-home placement provider.

(e) The out-of-home placement provider shall:

1. Make every effort to ensure that the child attends school regularly;
2. Encourage good study habits;
3. Monitor the child's academic progress; and
4. Inform the Division representative of the child's academic progress.

(f) The Division representative shall:

1. Ensure that the child is enrolled in school, if age appropriate. If necessary, the Division representative shall give the out-of-home placement provider authorization to enroll the child in school;

2. Maintain and update the education record regarding the child's progress in school;

3. Coordinate, as appropriate, activities among the school personnel, the out-of-home placement provider, and the parent;

4. Inform the parent of the child's school progress and of the parent's right and responsibility to be involved in the child's education; and

5. Refer the child for a child study team evaluation, as needed, in accordance with N.J.A.C. 6A:14-3.3(a)3ii.

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§ 10:122D-2.7 Self-sufficiency skills for adolescent children

(a) The Division representative, in consultation with the out-of-home placement provider, the child, the parent and other significant adults, shall develop a written plan to prepare the child for self-sufficient living and shall reevaluate the plan at least yearly.

(b) The plan shall be developed for each child in out-of-home placement:

1. Within six months of the date of placement for those entering out-of-home placement at age 14 or older;
or
2. No later than age 14, for those already in out-of-home placement.

(c) The plan shall be based upon an assessment of the child's strengths, resources, interests and needs.

(d) The plan shall outline the necessary skills the child must master to achieve self-sufficiency and the responsibilities of the Division and other parties to assist the child to develop these skills.

(e) The Division representative shall identify at least one significant adult in the child's life who will function as an adult advisor to the child to assist in the development of the plan and the life skills needed by the child. The adult advisor may be the resource family parent.

(f) The Division representative shall refer the child to resources for post-secondary educational opportunities, as requested by the child and in accordance with N.J.S.A. 9:17B-2 and N.J.A.C. 10:133H-5, Tuition Program.

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§ 10:122D-2.8 Other services to children in out-of-home placement

(a) In addition to the basic services of case management, food, clothing, shelter, education, health care, and self-sufficiency skills, the Division may use other services, which meet a child's individual needs.

(b) When specific service needs are identified, the Division representative shall arrange for appropriate community resources to provide the service to the child in a timely fashion, as the services are available.

(c) When there are insufficient child welfare services available to meet the child's needs, the Division is responsible for encouraging and promoting the development of the needed services in accordance with the provisions of N.J.S.A. 30:4C-1, 3 and 4.

-End-